

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of: )  
)  
Review of the Emergency Alert System; )  
Independent Spanish Broadcasters )  
Association, the Office of )  
Communication of the United Church of )  
Christ, Inc., and the Minority Media and )  
Telecommunications Council, Petition )  
for Immediate Relief; )  
)  
Randy Gehman Petition for Rulemaking )

**EB Docket 04-296**

***UNO RADIO GROUP PETITION FOR TEMPORARY  
WAIVER OF 47 C.F.R. §11.56 (CAP OBLIGATIONS)***

Uno Radio Group is the licensee (through affiliated entities Arso Radio Corporation, Turabo Radio Corporation, Madifide, Inc., Uno Radio of Ponce, Inc., and Caribbean Broadcasting Corporation, collectively “URG”) of eight (8) FM Stations and six (6) AM stations all licensed to communities on the island of Puerto Rico.

URG seeks a temporary waiver of Section 11.56 of the Commission’s Rules regarding monitoring for, receiving, and processing Common Alerting Protocol (“CAP”) formatted messages (the “CAP Rules”) with respect to its broadcast radio operations. This request for temporary waiver is necessitated by an unexpected delay in delivery of equipment necessary for compliance. URG ordered the equipment and received initial confirmation of its order on May 11th, 2012, with original delivery date of June 15<sup>th</sup>, 2012. Since that time, the equipment vendor has advised that due to shipping issues and overwhelming demand, delivery of the ordered equipment will be delayed. The delayed delivery date promised by the equipment vendor is now late July/early August, 2012, and once the equipment is received, it will be installed, tested, and made operational promptly. At that time, URG will notify the Commission that it is in compliance with Part 11 and that the temporary waiver is no longer needed.

### ***Background***

In the *Fifth EAS Report & Order*,<sup>1</sup> the Commission required Emergency Alert System (“EAS”) Participants to utilize EAS equipment that can receive and transmit messages in the EAS format called the Specific Area Message Encoding. The deadline for such compliance, as established in the *Fourth EAS Report & Order*, is June 30, 2012.<sup>2</sup> In order to receive and transmit CAP-formatted messages, URG needs to install a CAP-to-EAS converter to work in tandem with URG’s existing equipment. URG exercised diligence in placing an order on May 11<sup>th</sup>, 2012 for the CAP-to-EAS converter that would be delivered in sufficient time to install and test the new equipment prior to the implementation deadline. Unfortunately, URG has been advised by the equipment vendor that delivery of its order has been delayed until early August, reportedly due to the large number of other EAS participants ordering such equipment for delivery at roughly the same, as well as additional delivery obstacles associated with the delivery of equipment to Puerto Rico.

### ***Waiver Request***

URG meets the applicable Commission standards for the requested waiver. The Commission may waive its rules for good cause shown.<sup>3</sup> The Commission may also exercise its discretion to waive a rule where particular facts would make strict compliance inconsistent with the public interest, and grant of a temporary waiver would not undermine the policy served by the rule.<sup>4</sup> URG has acted with diligence and in compliance with its obligations as an FCC licensee in making a good-faith effort to comply with the Commission’s deadline of June 30<sup>th</sup>, 2012. But for the equipment vendor delays because of the geographic distances and also caused by a rush of orders from other EAS Participants also making a good-faith effort to comply with the

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<sup>1</sup> *Review of the Emergency Alert System, Fifth Report & Order*, 27 FCC Rcd. 642 (2012) (“*Fifth EAS Report & Order*”).

<sup>2</sup> *Review of the Emergency Alert System, Fourth Report & Order*, 26 FCC Rcd 13710 (2011) (“*Fourth EAS Report & Order*”).

<sup>3</sup> 47 C.F.R. § 1.3. *See also Northeast Cellular Telephone Co., L.P. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (“FCC has authority to waive its rules if there is ‘good cause’ to do so.”)

<sup>4</sup> *See WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *aff’d*, 459 F.2d 1203 (D.C. Cir. 1972).

Commission's deadline, URG would have completed installation and testing of the CAP-to-EAS converters well in advance of June 30<sup>th</sup>, 2012.

URG believes that good cause exists for granting its requested temporary waiver. Due to the current urgent demand for CAP-to-EAS converters with other vendors, URG does not have a practical option other than to wait for its ordered equipment to be delivered by its selected equipment vendor. Grant of URG's request for temporary waiver would not undermine the Commission's public policy goals. URG is compliant with current EAS obligations and will continue to maintain its legacy EAS equipment while awaiting delivery, installation, and testing of the CAP-to-EAS converters. Emergency alerts will continue to be distributed; they merely will not be received in the soon-to-be-updated manner. In light of URG's current compliance and the expected short-term nature of the delay in its compliance with the CAP rules, a temporary waiver of 47 C.F.R. §11.56 is warranted.

### ***Conclusion***

For the foregoing reasons, URG respectfully requests the Commission grant its Petition for Temporary Waiver. A Declaration of Luis Soto attesting to the foregoing facts together with a copy of the initial Order Confirmation for the equipment from URG's equipment vendor are attached in support of this requested waiver.

Respectfully Submitted



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June 19, 2012

## DECLARATION OF LUIS SOTO

1. My name is Luis A. Soto and I am President of Arso Radio Corporation, Turabo Radio Corporation, Madifide, Inc., Uno Radio of Ponce, Inc. and Caribbean Broadcasting Corporation, collectively known as Uno Radio Group (“URG”)
2. I declare under penalty of perjury that the facts contained in the foregoing Petition for Temporary Waiver are true and correct to the best of my knowledge, information and belief after reasonable inquiry, that the Petition is well grounded in fact, warranted by existing law, and not interposed for any improper purpose.
3. Attached hereto is a copy of the order confirmation from URG’s selected equipment vendor showing the date when URG ordered the CAP equipment.

  
Luis A. Soto

# EXHIBIT "A"

## Order Confirmation

TFT, Inc.  
1953 Concourse Drive  
San Jose, California 95131-1708  
U.S.A.

<customer><yellow><blue>

### Sales Order Acknowledgment

Sales Order ID : 37098

Customer Purchase Order ID : 467

Ship To Contact Name :

Ship To Phone : 787-744-3131

Ship To Fax :

Page Number : 1 of 1

Bill To : 2205  
UNO RADIO GROUP/PR BROADCAST SALES  
P.O. BOX 363222  
SAN JUAN, PR 00936-3222

Ship To :  
WPRM-FM RADIO/SALSOUL  
MUÑOZ MARIN AVENUE & 24TH STREET  
CAGUAS, PR 00725

Order Date: 5/11/2012  
Partial Ship: No  
Buyer: Esther Asencio

FOB: TFT Plant, San Jose CA USA  
Currency Type : USD  
AR Terms: Credit Card, AmExp  
Ship Method: UPS Blue

Line Nbr / Cust Ln Nbr	Item ID/ Name Cust Item ID	Req Date	Taxable Sales/ VAT	Req Qty	Unit Price Unit of Measure	Extra Charges	Disc Amt Disc %	Extended Price
1/ 1	5116-3320 / CAP-to-EAS Converter	6/15/2012	Yes / No	3.0000	\$1,600.0000 EA	\$0.00	\$1,080.0000 22.50%	\$3,720.00
Line Item Total:								\$3,720.00

Total:	\$3,720.00
Sales Tax:	\$0.00
VAT:	\$0.00
Estimated Ship Charges:	\$0.00
Estimated VAT Freight:	\$0.00
Sales Order Total:	\$3,720.00

Special Instructions: Ordered by Esther Asencio  
Ship via UPS 2nd Day

Thank you for your order.  
(+1) 408-943-9323  
(+1) 408-432-9218 (fax)  
marketing@TFTInc.com  
Prepared By: \_\_\_\_\_  
Approved By: \_\_\_\_\_

Change Nbr: 1  
Change Date: 5/11/2012